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Addressing the Economic, Social and Cultural Root Causes of Torture and Violence in the Philippines

A report on the implementation in the Philippines of the Concluding Observations and Recommendations of the United Nations

Committee Against Torture

and

Committee on Economic, Social and Cultural Rights



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1. Introduction

1.1 A holistic approach

Poverty, inequality and discrimination are often at the root of violence; most victims of torture or cruel, inhuman and degrading treatment being the poorest or most marginalised members of the community. OMCT works to reduce and eliminate torture and cruel, inhuman and degrading treatment, arbitrary executions, disappearances, violence against women and children and other forms of violence by identifying and attacking the violations of economic, social and cultural rights that are the root causes of that violence. Experience has shown that acting on only one of the causes of torture has little chance of success. It is therefore essential to adopt a multifaceted and integrated approach that ensures the implementation of economic, social and cultural rights as well as civil and political rights. By adopting this holistic approach, OMCT's work in this field has shown that addressing the root causes of violence through the appropriate channels can reduce human rights abuses as well as help create conditions conducive to economic growth and poverty reduction.

OMCT works with national non-governmental organisations (NGOs) to strengthen their capacity to address the economic, social and cultural root causes of torture and other forms of violence directly with their own national authorities as well as internationally. There are two key ways in which OMCT and its partner organisations seek to bring about change: through alternative reports to the United Nations (UN) Treaty Bodies and through urgent interventions, most notably action files that provide a detailed analysis of a specific situation where violations of economic, social or cultural rights are causing or risk causing violence and that propose specific remedial action. These action files are addressed to the UN, governments, development and financial institutions, the private sector and the institutions of the European Union (EU). It is considered key to involve international institutions, such as the EU and financial and development bodies, in this process given the role that such institutions can play in influencing policies and projects at the national level.

A key element of the holistic approach adopted by OMCT is that actions and remedies requested in alternative reports and action files should be mutually reinforcing. OMCT has thus taken the approach of submitting alternative reports to both the UN Committee against Torture (CAT) and the UN Committee for Economic, Social and Cultural Rights (CESCR), which cover cross-cutting issues relevant to both Committees and which suggest mutually reinforcing recommendations. At the national level, follow-up missions seek to bridge the implementation gap between the recommendations of the Committees. Such missions necessarily follow up on how (or if) recommendations are being implemented, but other key objectives are to draw attention of the national authorities to the recommendations, encouraging them to implement them in a coordinated way, to strengthen the capacity of other key stakeholders, such as civil society and national human rights institutions, to take action, and to involve, and mobilise, international institutions in the analysis of the root causes of violence.

1.2 Focus on the Philippines

A: Alternative Reports

In 2008 and 2009, OMCT collaborated with its partner organisations in the Philippines, Philippine Alliance of Human Rights Advocates (PAHRA), Karapatan (Alliance for the Advancement of People's Rights) and Task Force Detainees, Philippines (TFDP), to submit alternative reports on the Philippines to the CESCR and the CAT prior to examination of the State report by these Committees.¹ These reports were based on extensive information provided by the above-mentioned NGOs as well as in-depth discussions with a wide range of Philippine human rights activists. They also reflected the results of OMCT's ongoing activities in relation to the Philippines, including its own research into certain of the issues involved and preparatory missions conducted in September 2008 and March 2009.

The reports focused on the strong link between failure to respect economic, social and cultural rights and violence, including torture, cruel, inhuman and degrading treatment, summary or arbitrary executions and forced disappearances. The issues raised in the reports addressed six key themes:

1. **Poverty and inequality as the root causes of violence:** issues relating to the rise of poverty and inequitable distribution of wealth, as well as the impact of overall economic policy on violence (including labour and trade union issues, spending on social services and forced evictions).
2. **Vulnerable groups:** groups within society, including the Muslim population of Mindanao, indigenous peoples, women and children, who, due to their status, are particularly vulnerable to human rights violations and violence.
3. **Mining policies and their impact on indigenous people and local communities:** the conflict between the 1995 Mining Code and the 1997 Indigenous Peoples' Rights Act, and the negative socioeconomic impact of mining operations on affected populations, leading to protest and violence.
4. **Land reform:** the issue of landlessness as a root cause of violence, in particular the targeting of farmers and communities fighting for agrarian reform.
5. **Counter-insurgency activities:** the militarisation of areas in the context of counter-insurgency, its impact on the economic, social and cultural rights of indigenous and local communities, and the military recruitment of children by non-state armed groups.
6. **Extrajudicial executions, disappearances and other forms of violence against economic, social and cultural rights activists:** the targeting of human rights defenders as "enemies of the State", the failure to investigate violence and other attacks against activists and to prosecute and punish the perpetrators, and the weakness of the judiciary.

¹ "Addressing the economic, social and cultural root causes of torture and other forms of violence in the Philippines: An alternative report to the United Nations Committee on Economic, Social and Cultural Rights", November 2008 and "Preventing torture and other cruel, inhuman and degrading treatment in the Philippines by acting on their economic, social and cultural root causes: An alternative report to the United Nations Committee against Torture at its 42nd session", April/May 2009.

Both alternative reports contained detailed and concrete recommendations that addressed the above specific issues. It was stressed in the reports, however, that to effectively eliminate torture and other forms of violence, a multifaceted and integrated approach is required. As mentioned above, this involves tackling all the causes of torture, but it also involves ensuring that the national authorities are made aware of this approach and are made accountable for implementation.

In the reports, it was therefore recommended that a rights-based approach to development be adopted by integrating human rights into economic and social policy. The reports recommended the establishment of institutions, or designation of existing institutional mechanisms, as responsible for the implementation of recommendations. It was suggested that some of these institutions have an explicit economic, social and cultural rights mandate to oversee decisions on economic policies and to identify possible areas where there are risks of violence.

It was hoped that by submitting reports with overlapping recommendations to two Committees, the resulting concluding observations and recommendations issued by the Committees would be mutually reinforcing, serving to protect, in an integrated manner, economic, social and cultural rights as well as civil and political rights in the Philippines.

Both the CESCR and the CAT, during the consideration of the State reports of the Philippines, recognised that the denial of the economic, social and cultural rights can lead to violence, the link featuring particularly strongly in the CESCR's concluding observations and recommendations.

In addition to the two alternative reports, OMCT issued two action files on the Philippines, both of which addressed this link. The first case concerned intensified militarisation in the context of counter-insurgency activities in Surigao del Sur, Mindanao that resulted in extensive human rights violations against the local Lumad indigenous communities.² The second addressed the violence that met peaceful opposition against mining operations by local communities and indigenous peoples (IPs) in Sibuya, an island in Romblon Province, which resulted in the death of 17 persons.³

B: Follow-up mission

As referred to above, part of OMCT's holistic approach involves following up after the Committees have issued their concluding observations, to review and encourage implementation of recommendations. From 2 to 6 November 2009, OMCT thus conducted a mission to the Philippines to follow up on the implementation of the recommendations issued by the CESCR on 1 December 2008 and by the CAT on 14 May 2009. The mission was led by Yves Berthelot, President of OMCT. OMCT was also represented by Tom McCarthy, Special Adviser and Jastine Barrett, Consultant to OMCT's Economic, Social and Cultural Rights Programme. The mission received valuable support from the Commission on Human Rights of the Philippines. OMCT wishes to thank Ms. Barrett for the preparation of this report.

² OMCT Action File: "Philippines: Military activity seriously affecting the safety and wellbeing of rural communities in Surigao del Sur" (PHL 031207.ESCR)

³ OMCT Action Files: "Mining activity on Sibuyan Island, Romblon Province, the Philippines, must be halted to prevent further killings and violence" (PHL 301107.ESCR and PHL 121207.ESCR).

The follow-up mission's main objectives were to:

- draw attention of Government officials to the concluding observations and recommendations of both Committees, illustrating the importance of a holistic approach, and follow up on how selected recommendations are being implemented, indentifying progress, obstacles and further action required.
- follow-up on action files issued by OMCT (drawing on Committees' concluding observations and recommendations where appropriate).
- seek input from civil society organisations on implementation of recommendations.
- strengthen and encourage the key actors, civil society organisations, the Commission on Human Rights of the Philippines (CHRP) and government agencies to take action.
- help focus the attention of economic decision-makers on the potential impact of their policies and projects on violence; and
- involve international agencies in analysing and taking action on the root causes.

Rather than address all the recommendations made by both Committees, the mission decided to focus on a few recommendations that it considered salient to the link between the denial of economic, social and cultural rights and violence, as well as key recommendations that underpin the holistic approach outlined above. It thus focused on the implementation of the recommendations relating to:

- A. The economic, social and cultural root causes of violence** (including (i) poverty and the impact of economic policy on violence and (ii) development projects and exploitation of natural resources);
- B. The violence generated by failure to respect economic, social and cultural rights** (including (i) counter-insurgency activities and militarisation, (ii) extrajudicial killings, forced disappearances and harassment of human rights defenders and (iii) combating impunity and torture); and
- C. Recommendations relating to the effectiveness and independence of the Commission on Human Rights of the Philippines (CHRP).**

To identify progress made and obstacles faced in the implementation of the recommendations, as well as note further action required, the mission sought to meet with representatives from: civil society, particularly those concerned with the issues outlined above; national authorities including those bodies specifically charged with compliance with the UN treaties as well as law enforcement authorities; and international actors. It thus submitted meeting requests to the following:

- Presidential Human Rights Committee (PHRC)
- Senate Committee on Justice and Human Rights
- Department of Interior and Local Government (DILG)
- National Economic Development Agency (NEDA)
- Department of Environment and Natural Resources (DENR)
- Mines and Geosciences Bureau
- Philippine National Police (PNP)
- Armed Forces of the Philippines (AFP)
- Department of Justice
- Metro Manila Development Authority (MMDA)
- Commission on Human Rights of the Philippines (CHRP)

- Delegation of the European Commission to the Philippines
- United Nations Development Programme (UNDP)
- Asian Development Bank (ADB)

The mission was able to meet with representatives from a number of relevant NGOs and the CHRP, NEDA, a staff member of the Senate Committee on Justice and Human Rights, the European Commission Delegation, the UNDP and the ADB. For a full list of those attending the meetings, please see Annex. Prior to each meeting, OMCT provided a brief overview of the issues together with a compilation of the key recommendations by both Committees that would be addressed in the meeting, to highlight the range of interrelated issues and to facilitate the discussion.

Following the mission, OMCT wrote to those organisations⁴ with which it had been unable to meet to transmit to them the Committees' recommendations, to encourage a cross-sectoral approach to their implementation and to request further information on the key themes identified above.

1.3 The role of international institutions

As referred to above, the involvement of international institutions is considered important on the basis that a concerted effort and understanding of the issues is required by all stakeholders if real progress is to be made in eliminating torture by acting on its root causes.

International institutions may be involved in a number of ways: action files may, for example, be addressed to a financial or development institution which is involved in a national project; the institutions of the European Union (EU) may be approached, either in relation to specific projects or more generally in relation to a particular issue or a country where the EU has a presence; and institutions (the EU, financial and development bodies) may be involved in the alternative report process, particularly in follow-up missions, where they can play a role in supporting the implementation of Committee recommendations.

In relation to the Philippines, in addition to submitting alternative reports to the two UN Committees, OMCT presented a report on the economic, social and cultural root causes of extrajudicial executions, forced disappearances, torture and other cruel, inhuman and degrading treatment in the Philippines to the European Parliament Subcommittee on Human Rights on 22 January 2009.⁵ OMCT drew attention to the specific situation of those defending their economic, social and cultural rights, emphasizing that most victims of summary executions are activists struggling for more equitable distribution of resources, for land policy

⁴ The Presidential Human Rights Committee, the Metropolitan Manila Development Authority, the Department of the Interior and Local Government (DILG), the Department of Environment and Natural Resources (DENR), the Department of Justice, the Directorate for Police Community Relations, the Human Rights Office of the Armed Forces of the Philippines (AFP), and the Mines and Geosciences Bureau.

⁵ "OMCT calls on the European Union to act to end extrajudicial executions in the Philippines by helping address their economic, social and cultural root causes", OMCT intervention before the Subcommittee on Human Rights of the European Parliament, 22 January 2009, Brussels.
<http://www.omct.org/index.php?id=SCR&lang=eng&actualPageNumber=1&articleSet=Documents&articleId=8346>; and "Combating extrajudicial executions, enforced disappearances, torture and other cruel, inhuman and degrading treatment in the Philippines by addressing their economic, social and cultural root causes", Information submitted to the European Parliament Subcommittee on Human Rights in connection with the exchange of views on the Philippines, 22 January 2009.
http://www.omct.org/pdf/ESCR/2009/Philippines_Report_for_the_EP_220109.pdf

reform, and for a better protection of the rights of farmers, IPs, and workers. OMCT recommended that specific measures be taken to end extrajudicial killings and summary executions by addressing their economic, social and cultural root causes. On 12 March 2009, the European Parliament adopted a resolution that reflected many of the concerns raised by OMCT in its report. In particular, the European Parliament recognised that “to put an end to abductions and extrajudicial killings, it is necessary to address the economic, social and cultural root causes of violence in the Philippines” and called on the European Council and the Commission “to ensure that the EU’s financial assistance towards economic development in the Philippines is accompanied by scrutiny of possible violations of economic, social and cultural rights, with special attention being paid to encouraging dialogue and inclusion of all groups in society”.⁶

Additionally, during the follow-up mission to the Philippines, OMCT had the opportunity to meet with representatives of the Delegation of the European Commission to the Philippines, the UNDP and the ADB. All of these institutions showed a real commitment to human rights and an understanding of the complexities of the Philippine situation. They each outlined their institution’s approach to human rights as well as responded to questions on specific issues as set out in section 2 below.

The European Commission informed OMCT that its programmes always look at sustainability issues including cross-cutting issues such as human rights implications, broader implications for governance, poverty and climate change, but that the type of programmes the European Commission is involved in in the Philippines do not give rise to problematic human rights issues. Its primary focus is investment in the services and financial sectors and it is rarely involved in large infrastructural projects or in exploitation of natural resources.

A more pressing concern for the European Commission in the Philippines is extrajudicial killings, the targets of which are often human rights defenders. It is seeking to assist the Government in addressing these issues through the EU-Philippine Justice Support Programme ((see section 2.3(B) below).

Additionally, the European Commission provides support to civil society and, in October 2009, made financial grants to six NGOs under the European Instrument for Democracy and Human Rights (EIDHR), which aims to strengthen the role of civil society in the promotion of human rights and governance.

The UNDP informed OMCT that it had played a key role in humanitarian issues in the Philippines, its Resident Representative, Dr. Jacqui Badcock, being designated the UN Humanitarian Coordinator in Mindanao.

In terms of human rights, its primary activity is the promotion of a human-rights based approach to development. This is particularly evident in its work with NEDA (see section 2.1(A)) but it has also provided support to other national institutions, including the Presidential Human Rights Commission. OMCT was also informed by the UNDP that, in February 2010, it will be working with its regional centre in Bangkok to conduct a capacity assessment of the human rights infrastructure in the Philippines. This will include an evaluation of interaction between key stakeholders, both governmental and non-governmental, legal frameworks, policy measures, mechanisms and processes. Through this

⁶ European Parliament resolution of 12 March 2009 on the Philippines, P6_TA-PROV(2009)0144.

assessment the UNDP aims to identify capacity development interventions to address shortcomings.

The ADB indicated that its activities in the Philippines are guided by its long-term strategic framework “Strategy 2020” which aims to achieve a poverty-free region. Under this strategy, there are three development agendas: achieving inclusive economic growth, environmentally sustainable growth, and regional integration. Linked to these agendas are five key areas in which the ADB focuses its operations: (i) infrastructure, (ii) environment, (iii) regional cooperation and integration, (iv) finance sector development, and (v) education.⁷

The ADB indicated that social protection is a major concern in its operations. Any project must comply with its social protection policy. This involves a social impact assessment to ensure that the project does not adversely affect vulnerable groups. Where needed, mitigation programmes are developed to compensate the affected groups.⁸ Additionally, the ADB recognises that an important component of positive development is social and environmental sustainability and has thus updated its safeguard policies to assess the social and environmental impacts of large-scale infrastructure projects. Its safeguard policy framework comprises three operational policies on (i) the environment, (ii) Indigenous Peoples, and (iii) involuntary resettlement. Under these policies, there is a process of impact assessment, planning and mitigation to address any negative impact of projects.⁹

The ADB indicated that it views civil society organisations (CSOs) as key partners in its efforts to reduce poverty. According to the ADB, CSOs are involved in more than three quarters of its loans, involvement ranging from consultations on design, to surveying communities, to project implementation, and to monitoring.¹⁰ The ADB has also established a civil society desk, the “NGO and Civil Society Center” in Manila.¹¹ However, during the mission NGOs informed OMCT that they were not aware of this desk.

2. Issues addressed during mission

2.1 The implementation of the Committees’ recommendations by Philippine authorities

As outlined above, for recommendations to be effective, they must be accompanied by means of implementation. This involves identifying those responsible for implementation and making them accountable.

In their concluding observations, both Committees requested the Philippine Government to disseminate the concluding observations widely among all levels of society and to inform them of steps taken to implement them.¹² Additionally, the CAT asked the Philippine Government to provide information on its response to a selected number of recommendations within one year.¹³ This included the CAT’s recommendations regarding the effectiveness and independence of the CHRP (see section 2.4 below). The CESCRC additionally stressed the

⁷ See also Asian Development Bank, *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank 2008–2020*, April 2008.

⁸ Asian Development Bank, *Social Protection Strategy*, 2001 at <http://www.adb.org/SocialProtection/strat.asp>.

⁹ Asian Development Bank, *Safeguard Policy Statement*, June 2009.

¹⁰ Asian Development Bank, *ADB and Civil Society*, April 2008.

¹¹ <http://www.adb.org/ngos/ngocenter.asp>

¹² UN Doc. CAT/C/PHL/CO/2, para. 32 and UN Doc. E/C.12/PHL/CO/4, para. 32.

¹³ UN Doc. CAT/C/PHL/CO/2, para. 33.

importance of civil society in the process, encouraging the Government to “*continue engaging non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report*”.¹⁴

During the mission, OMCT met with the various stakeholders to gather information on how the Philippine Government approaches implementation of the concluding observations, whether it had widely disseminated them and what steps had been taken to involve civil society in the process.

A: Coordination and implementation

Under Administrative Order 163 of 8 December 2006, the Presidential Human Rights Committee (PHRC) is responsible for ensuring Government compliance with its obligations under international human rights instruments, and different government agencies are designated as lead agencies to coordinate compliance with international human rights treaties ratified by the Philippines. The Department of Interior and Local Government (DILG) is responsible for the Convention against Torture and the National Economic and Development Authority (NEDA) is responsible for the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both of these Departments are represented on the PHRC. Additionally, Administrative Order 249 of 10 December 2008¹⁵ designates the PHRC to rationalise, coordinate, supervise and monitor government agencies directed by the government to institute policies, programmes and projects that will further the promotion and protection of human rights.

Although the PHRC has an overall coordination role, NGOs stated that they were not aware of any effort on the part of the Government to convene different agencies to inform them of the concluding observations of the CAT and the CESCR or to “coordinate” the approach. Whilst NEDA and DILG are both members of the PHRC, other governmental agencies are not represented and would not, therefore be involved in discussions at this level.

The CHRP stated that, although the PHRC has responsibility for compliance, the CHRP has itself undertaken to coordinate implementation. The CHRP has formulated a dissemination plan in respect of both Committees’ concluding observations, which includes: dissemination to all central and regional offices of the CHRP and to government agencies directing their attention to the key areas of concern within their remit; dissemination through publication; and dissemination, in particular with civil society, through the holding of a forum. In February 2009, the CHRP organised a multi-stakeholder forum and dialogue on economic, social and cultural rights at which the implementation of the CESCR’s recommendations was discussed in terms of actions required, gaps and difficulties in implementation and areas of cooperation between the Government and civil society.

OMCT met with representatives of NEDA to discuss implementation of the CESCR recommendations. NEDA explained that a human rights group had been created within NEDA to focus on its responsibilities for compliance with ICESCR. A National Human Rights Action Plan (the “Plan”), launched on 10 December 2009, was at that time being developed by the PHRC. The mandate for this Plan specified that a rights-based approach

¹⁴ UN Doc. E/C.12/PHL/CO/4, para. 32.

¹⁵ Administrative Order 249, Further strengthening government policies, plans, and programs for the effective promotion and protection of human rights on the occasion of the 60th anniversary of the Universal Declaration of Human Rights, 10 December 2008.

must be adopted in the formulation of the Plan. The UNDP is assisting NEDA to implement a human rights-based approach into its policy-making through the provision of training on a human rights-based approach to development for all government officials involved in development. This is a positive step in that human rights are beginning to be mainstreamed into the planning policy. NEDA also informed the mission that there are attempts to introduce a rights-based approach at the regional council level through the creation of regional human rights committees.

NEDA informed the mission that it had succeeded in incorporating a number of programmes, activities and projects (PAPs) in the Plan that address economic and social problems faced by the Philippines, including some of the concerns raised by the Committees. These included: social security for the informal labour sector; projects to address the issue of migrant workers; support for a law on reproductive health; and increased budget for education. Implementation of these PAPs would depend on allocation of the necessary budget by Congress. However, NEDA stressed that, as a policy-making body, it is not responsible for implementation. Implementation would fall to those agencies identified in the Plan, although as policy-maker, NEDA is trying to influence the way implementation is addressed in the Plan.

It was not clear, however, whether there was much, if any, inter-agency discussion on cross-cutting issues. For example, although a recommendation might have been made by the CESCRC and thus fall within the remit of NEDA, it appeared that issues which, for example, relate to mining or IPs would be dealt with by the Department of Environment and Natural Resources (DENR) or the National Commission on Indigenous Peoples (NCIP) respectively. It was not clear to OMCT however whether these issues would be referred by NEDA to DENR/NCIP, or whether DENR/NCIP would be responsible for identifying such issues as falling within their remit. Additionally, DENR and NCIP are not members of the PHRC and would thus not be involved in coordination discussions at that level. There was concern, therefore, that such issues/recommendations could fall between the cracks.

OMCT had hoped to have meetings with DENR to discuss mining issues and with the DILG to discuss the implementation of the CAT recommendations. However, representatives from these Government bodies were unfortunately unavailable to meet with the mission.

Additionally, whilst some civil society human rights organisations had welcomed the introduction of the rights-based approach, the general assessment was that the actions of the Government were more an attempt at superficial compliance with international obligations than a genuine attempt to resolve the human rights issues both at the national policy level (such as the conflict between the Mining Code and the Indigenous Peoples' Rights Act – see section 2.2(B) below) and at the local community level. Further, NGOs felt that those involved in policy making and implementation and in development projects were often too removed from the reality and should undertake more outreach activities at the grassroots level when formulating their policies and implementation programmes, so as to understand fully the views of local communities and the issues they face.

B: Downward dissemination

NGOs expressed concern regarding the Government's efforts to disseminate the concluding observations and recommendations downward, in particular to members of the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP), who are frequently viewed as the key perpetrators of human rights violations. In this regard, OMCT was

informed that both the PNP and AFP had established Human Rights Offices which NGOs believed were responsible for dissemination of the concluding observations amongst their officers. However, NGOs stated that, in their dealings with law enforcement personnel, most appeared not to be aware of the existence of the concluding observations or even the relevant Covenant or Convention.

C: Involvement of Civil Society

A general criticism by NGOs was the lack of consultation with and involvement of civil society in formulating and implementing plans and policies. In its paper on "Human Rights in the Philippines: 2008 PHRC Accomplishments", the PHRC stated that it had expanded its network of partner NGOs and CSOs and listed a number of NGOs that are included in discussions with the lead agencies referred to above. Further, the PHRC wrote that it would be launching a more institutionalised partnership with NGOs and CSOs through the launch of the National Human Rights Forum in the first quarter of 2009.

NGOs informed the mission that they were unaware of any Forum launched by the PHRC. Further, some of the NGOs that had been named as partner NGOs by the PHRC were subsequently dropped from the network. There had been some involvement of NGOs at the local level in formulating the Plan (referred to in 2.1(A) above), but given the lack of financial support from PHRC, participation by civil society had been limited.

NGOs also criticised the PHRC for its attempts to sow divisions among civil society. For example, OMCT was informed that the PHRC had attempted to discredit Karapatan and Bayan, accusing them of fabricating the disappearance of Ms. Melissa Roxas, a US citizen and human rights advocate, stating that initial information from a "more credible alliance" of NGOs had revealed no reports of the alleged abduction and intimating that these NGOs shared the view that Karapatan and Bayan were making unfounded allegations. The NGOs to which this "initial information" was attributed, denied these conjectures, seeing the PHRC's actions simply as an attempt to drive a wedge between non-governmental human rights organisations. When they complained to the PHRC about its actions, the PHRC responded that they were not "worthy partners".

Additionally, NGOs reported that they had not been involved in any discussions with DILG or NEDA regarding the implementation of the recommendations of CAT and CESC. They suggested that, where NGOs were invited by governmental institutions, these were the preferred NGOs of the governmental agencies rather than NGOs that reflect general civil society concerns. As a result, the Government was not held to account, thus leading to selectivity in addressing human rights issues. Further, in the limited circumstances in which they had been consulted on human rights issues in the past, consultation was considered inadequate, NGOs not being given sufficient time to raise questions or partake in meaningful discussions. NGOs thus considered that the Government uses NGO presence to legitimise its claim that it involves civil society in addressing human rights issues. To improve consultation it was thus suggested that NGOs from across the political spectrum be included in comprehensive consultations at the national and provincial levels, and that participation be institutionalised in terms of regular, structured meetings and designated venues. It was further suggested that a mechanism be established to monitor compliance with international human rights obligations.

2.2 Recommendations relating to the economic, social and cultural root causes of violence

A: Poverty and the impact of economic policy on violence

As reported in the alternative reports submitted to the CAT and CESCR, poverty and inequality marginalise large sectors of Philippine society. Whilst the economy has shown healthy levels of growth in recent years, the gap between the rich and the poor has increased, the Philippines having one of the highest levels of income inequality in Asia. The Government's policy of trade liberalisation aimed at attracting foreign capital and accelerating domestic economic development has not been accompanied by an improvement in the living standards of most Filipinos. The urban population has frequently been subjected to violent evictions to make way for economic development projects. Unemployment and underemployment has soared, and those who are employed frequently earn a meagre living. Further, in spite of domestic economic growth, low priority has been given to social services in the national budget where severe cutbacks have reportedly been made to enable continued debt servicing.

In rural areas, landowners have increasingly converted agricultural land to agrobusiness or other forms of economic activity to the detriment of the lives of rural communities, many of which have been forced from their land. This has not only led to violent conflict, but has also resulted in mass urban migration. As reported in the UN's Common Country Assessment (CCA), rapid urbanisation has caused new problems for the urban poor, increasing the levels of underemployment and unemployment, poor housing (with many people living in informal settlements), lack of basic services, and enormous pressures on urban carrying capacities.¹⁶

During the mission, OMCT addressed four key poverty-related problems: labour issues, spending on social services, housing issues (including informal settlements and forced evictions) and access to justice for the poor.

Labour issues

NGOs informed the mission that the Government has drawn up a Comprehensive Emergency Employment Programme, pursuant to which 800,000 jobs will be created, 500,000 of which will come from government infrastructure projects. However, NGOs stated that these jobs are only temporary, lasting from a few weeks to a couple of months. Additionally, given the number of people joining the workforce each year, the Government's response is inadequate. The global financial crisis has further exacerbated the problem, there reportedly being a four-fold increase in the number of jobseekers nationwide from April 2009 to August 2009.¹⁷

In addition to the unemployed and underemployed, the minimum wages set by the Government are insufficient given the price hikes of basic commodities. Additionally, not all workers (such as those in the informal services sector) are covered by the minimum wage legislation. In its concluding observations, the CESCR expressed concern about the low levels of minimum wages, particularly in the agricultural sector and recommended that:

¹⁶ *A Common View, A Common Journey, A Common Country Assessment of the Philippines 2004*, United Nations Country Team, the Philippines, pp. 14-15, at <http://www.undp.org.ph/?link=6>

¹⁷ Information from the Bureau of Local Employment, provided by Bayan.

*the State party take all appropriate measures to ensure that the minimum wages fixed by the Regional Tripartite Wages and Productivity Boards provide workers with an adequate standard of living for themselves and their families, in accordance with article 7, paragraph (a) (ii) of the Covenant. The Committee also recommends that the State party extend the applicability of the minimum wage legislation to those sectors where it does not apply, and intensify its efforts to enforce legal minimum wages through increased labour inspections and fines or other appropriate sanctions for employers who fail to comply with the minimum wage legislation.*¹⁸

OMCT was informed by NGOs that minimum wages vary depending on industry and region, and that there appears to be no clear criteria applied when minimum wages are set. The current minimum wage in the National Capital Region (which includes Manila) in the non-agricultural sector is 382 Philippine peso (Php) per day (c. US\$8.30) and 345 Php (c. US\$7.50) in the agricultural sector. In Mindanao, it is 200 Php (c. US\$4.35) for all sectors.¹⁹ In August 2008, inflation reached an all-time high of 12.4%, food prices increasing by 1.6%. Yet minimum wages have not been increased. Indeed the Government has introduced a salary freeze and a number of employers have reportedly cut benefits ostensibly in response to the global financial crisis. As a result, poverty has worsened in 2009.²⁰ A bill is currently before Congress that would increase the minimum wage nationwide by Php125. It is felt that the passing of this bill would ameliorate the situation of the lowest paid workers.

The Department of Agriculture in correspondence with the CHRP stated that it shared the view that appropriate measures to provide adequate minimum wages for agricultural workers, and others, should be explored, but suggested that the Department of Labor and Employment was the appropriate body to deal with minimum wage fixing and wage legislation.

Spending on social services

In its alternative reports, OMCT reported that, in addition to wages issues, cutbacks in government expenditure on and investment in much-needed social services (including health and education) and infrastructure have reportedly been made to enable continued debt service. This is in spite of high economic growth. The CESCR noted with concern that spending on social services had decreased and recommended that the Philippine Government increase its national spending on social services such as housing, health and education so as to achieve progressive realisation of economic, social and cultural rights.²¹

In a response to the CHRP, the Housing and Urban Development Coordinating Council (HUDCC) stated that resources made available to the housing sector had increased from 2005 to 2009 although it remained below one percent (0.37% in 2009) of the national budget. Unfortunately, OMCT did not have the opportunity to speak with this Council, but the insufficient budget was a key point raised by NGOs. OMCT was informed by NGOs that spending on social services has continued to lag behind debt servicing, which accounts for 25.2% of the budget, and the defence budget, which accounts for 5% of total budget. With the humanitarian crises caused by typhoons in 2009, the effect of such budgetary constraints has been exacerbated.

¹⁸ UN Doc. E/C.12/PHL/CO/4, para. 22.

¹⁹ National Wages and Productivity Commission, http://www.nwpc.dole.gov.ph/pages/ncr/cmwr_table.html.

²⁰ CTUHR, *The Cross that families carry: Surviving from the Impact of the global financial crisis*, April 2009.

²¹ UN Doc. E/C.12/PHL/CO/4, para. 17.

Right to housing issues

(i) Informal settlements and inadequate housing budget

One specific issue that was highlighted in the CCA was poor housing in urban areas, with informal settlements situated in high-risk or danger areas and areas under threat of eviction.²² The CESCR noted in its concluding observations that an estimated 16.5 million (30% of the urban population) live in informal settlements and slums, many in high-risk areas, with no or limited basic infrastructures and services, without legal security of tenure and under constant fear of eviction. The Committee also noted that the percentage of the national budget allocated to housing is insufficient to increase the supply of social housing units for members of the most disadvantaged and marginalised groups. It made the following recommendation:

The Committee requests the State party to allocate sufficient funds for the realisation of programmes aimed at providing security of tenure and affordable housing, particularly to members of the most disadvantaged and marginalised groups, in line with its General Comment No. 4 (1991) on the right to adequate housing.²³

As referred to above, the HUDCC reported in its response to the CHRP that spending in the housing sector had increased, but at 0.37% of national budget, it remains inadequate to deal with the pressing issues faced in the Philippines.

(ii) Forced Evictions

In its alternative reports, OMCT reported that forced evictions occurred both in rural and urban areas; predominately as a result of the failure of the Government to properly implement the Comprehensive Agrarian Reform Programme in rural areas, and as a result of development and beautification projects in urban areas.

The CESCR had identified the issue of forced evictions as an element of concern in its 1995 concluding observations. In its 2008 concluding observations, the CESCR expressed its concern that its previous recommendation had not been implemented and repeated its concern about large-scale forced evictions of urban families for the purpose of urban renewal and beautification and about the lack of effective consultation of, and legal redress for those affected, as well as inadequate compensation or relocation. It made a number of recommendations including: the effective implementation of the Urban Development and Housing Act (UDHA) of 1992; participatory and meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects; adequate compensation and/or relocation; and provision of basic services and adequate facilities at relocation sites.²⁴

The CHRP had issued an advisory resolution on 6 May 2008 calling for a moratorium on forced evictions carried out without full compliance with the law. However, it has not been formally adopted by the HUDCC.

The HUDCC, in a letter to the CHRP, asserted that all relocation and resettlement activities

²² *A Common View, A Common Journey, A Common Country Assessment of the Philippines 2004*, United Nations Country Team, the Philippines, pp. 14-15, at <http://www.undp.org.ph/?link=6>

²³ UN Doc. E/C.12/PHL/CO/4, para. 29.

²⁴ UN Doc. E/C.12/PHL/CO/4, para. 30.

implemented by Key Shelter Agencies are in accordance with the guidelines on humane eviction and demolition under the UDHA, including the provision of 30 days' notice, consultation with affected communities, execution of eviction or demolition only during office hours from Monday to Friday and during good weather, and adequate relocation and/or compensation. Additionally, the HUDCC asserted that resettlement sites are provided with basic services.

Despite the claims made by the HUDCC, forced evictions in urban areas appear to have continued in contravention of the law. For example, it is reported that on 18 November 2009, more than 376 families were illegally and violently evicted from their homes surrounding the Baclaran Grand Mosque on Roxas Boulevard, Pasay City.²⁵ Allegedly, 300 police (from the National Capital Region Police Office, the Regional Mobile Group and Pasay City Police) and personnel from Pasay City Engineering's Office and the Department of Public Works and Highways carried out the forced eviction, using excessive force and violence, including the use of automatic rifles. The violence resulted in the death of three residents and several injuries.

Additionally, NGOs reported that peasants continued to face evictions in rural areas and that a key issue here is that, whilst there are urban guidelines on housing, these do not cover rural communities.

Access to justice for the poor

One of the concerns raised by OMCT in its alternative reports to CESCR and CAT was the support of recommendations made by the Supreme Court and the Chief Justice to expand and enhance access to justice for the poor as well as establishing procedures that can help uphold economic, social and cultural rights.

In its concluding observations, the CAT noted that the Philippines Government had initiated the "Access to Justice for the Poor" project (AJPP), the Mobile Court or "Justice on Wheels" programme of the Supreme Court and the directive of the National Police Commission to activate human rights desks in all police stations nationwide.²⁶

OMCT was unable to gather information at the grassroots level on these projects, but from its discussions with the European Commission and the UNDP, it appeared that steps are being taken and some progress is being made in this area.

The European Commission confirmed that it had implemented an Access to Justice for the Poor Project, together with the Philippine Government from November 2006 to August 2008. An evaluation of the project had shown that it had led to the development of an innovative model for collaborative governance for providing access to justice for the poor. Given the project's success, a next phase is currently under discussion between the Government and the European Commission.

The UNDP also conducted a national consultative process in the context of the UN's global legal empowerment of the poor project, which identified legal barriers that prevent the poor, in particular informal workers, from engaging in productive economic activities.

²⁵ Task Force Detainees of the Philippines, Urgent Action Appeal, *Philippines: Violent forced eviction of residents surrounding the Baclaran Grand Mosque along Roxas Boulevard, Pasay City*, 19 November 2009.

²⁶ UN Doc. CAT/C/PHL/CO/2, para. 6.

B: Development projects and exploitation of natural resources

As highlighted in OMCT's alternative reports to the CAT and CESCR, economic policies aimed at promoting investment in mineral extraction are often neither balanced with the human rights of communities involved, nor are in line with the right to basic necessities such as clean air, safe water and unpolluted soil. Additionally, natural resources are frequently found in indigenous areas, resulting in conflict between commercial and indigenous interests. The CCA listed "development aggression", including commercial activities within ancestral domains, such as mining and illegal logging, as one of the major threats confronting IPs which results in the vulnerability of IPs to abuse, violence and exploitation.²⁷ The CAT, in its List of Issues, similarly noted the vulnerability of IPs, referring to reports of IPs being amongst the most marginalised groups in the Philippines, often being victims of "various forms of abuse, violence and exploitation".²⁸

The 1997 Indigenous Peoples' Rights Act (IPRA) provides for the free, prior and informed consent (FPIC) of IPs and defends their economic, social and cultural rights. Furthermore, it foresees mechanisms to halt projects that do not have the explicit consent of the communities they affect. Section 56 of IPRA provides for the protection of property rights already existing within the ancestral domains. However, in practice, these provisions are systematically undermined by the 1995 Mining Code, which in many cases offers mining permits on those indigenous lands in theory protected under IPRA.

This conflict of laws between the Mining Code and IPRA has been recognised by the CESCR, which has expressed its concern that the conflict risks undermining the protection of rights recognised under IPRA.²⁹ The CESCR referred to the adverse effects that "economic activities connected with the exploitation of natural resources, especially mining operations, carried out in indigenous territories continue to have on the right of indigenous peoples to their ancestral domains, lands and natural resources". It made the following recommendation:

The Committee urges the State party to fully implement the 1997 Indigenous Peoples Rights Act (IPRA), in particular by ensuring the effective enjoyment by indigenous peoples of their rights to ancestral domains, lands and natural resources, and avoiding that economic activities, especially mining, carried out on indigenous territories adversely affect the protection of the rights recognised to indigenous peoples under the Act.³⁰

The absence of adequate protection and the tensions generated by the conflict between indigenous and commercial interests lead communities to struggle for their rights. This, in turn, can provoke violent reactions by security forces hired by mine owners against the objecting communities, including harassment, ill-treatment, arbitrary arrest, torture, forced disappearances and murder. For example, in Sibuya, an island in Romblon Province, peaceful protests by local communities and IPs against mining operations, in particular those by Pelican Resources in a joint venture with the Sibuyan Nickel Properties Development Corporation, were met with violence resulting in the killing of some 17 persons. These

²⁷ A Common View, A Common Journey, A Common Country Assessment of the Philippines 2004, United Nations Country Team, the Philippines, pp. 42-43, at <http://www.undp.org.ph/?link=6>

²⁸ UN Doc. CAT/C/PHL/Q/2, para. 33.

²⁹ UN Doc. E/C.12/PHL/CO/4, para. 16.

³⁰ UN Doc. E/C.12/PHL/CO/4, para. 16

included the leader of a protest movement, Armin Marin, allegedly shot dead by a security guard of the Sibuyan Nickel Properties Development Corporation, Mario Kingo, on 3 October 2007. This specific incident was raised with the Government by OMCT in its action files of 30 November and 12 December 2007, in which OMCT requested the Government to carry out a thorough investigation into the death of Armin Marin, halt all mining activities on the island and establish an independent commission to review respect for the rights of the local population, to seek ways to protect their rights in the future.³¹

During the mission, OMCT received an update on the Sibuyan island case, in particular the death of Armin Marin. The Senate had initiated an investigation into his death as well as into the violence in Sibuya. However, a criminal case had been brought against Mario Kingo for the killing and, as the case is *sub judice*, the investigation was unable to gather sufficient facts to produce a comprehensive report. However, it was felt that the investigation by the Senate had at least raised the profile of the case in the media as well as put officials under pressure.

In response to a letter from the CHRP drawing attention to the CESCR's recommendation, the Mines and Geosciences Bureau of the DENR stated that no mining contract or permit had been issued unless the FPIC and the NCIP Certification Precondition requirements of IPRA had been complied with. Additionally, the Bureau referred to the implementing rules and regulations of the Mining Code that have mandated the provision of at least 1% of the gross sale of mining operations as royalty for IPs and made specific reference to a recent royalty agreement in north-eastern Mindanao, pursuant to which a mining company established a trust fund for a small group of IPs of Php 50 million over a three-year period. Finally, in relation to the harmonisation of IPRA and the Mining Code, the Bureau commented that guidelines have been established to address overlapping protected areas and ancestral lands³² and that the DENR and NCIP continue to hold discussions regarding further harmonisation particularly in relation to the requirements for exploitation of natural resources by IPs from their ancestral domains/lands.

Despite these apparent positive steps, OMCT received information that suggests mining activities continue to be carried out without due regard to human rights implications. Reportedly, in the Victoria area of Mindoro Oriental, a resolution by the Provincial Government in 2002 imposing a moratorium on mining activities for 25 years was set aside in October 2009 and large-scale mining has resumed, despite communities' opposition. Additionally, NGOs informed OMCT that NCIP is currently proposing amendments to the way in which FPIC should be obtained, which would impose deadlines for securing FPIC and would place the burden on indigenous communities resisting mining projects to justify their resistance. Further, it was reported that, when seeking FPIC, only those directly affected are consulted, rather than those who could potentially be affected, through for example down-stream pollution.

OMCT was also informed of continuing disputes between indigenous communities and mining corporations. The CHRP informed OMCT that it had received allegations of serious human rights violations in Barangay Didipio, Kasibu, Nueva Vizcaya, an area of land the subject of a long-standing dispute over a mining operation owned by OceanaGold Philippines

³¹ OMCT action files PHL 301107.ESCR and PHL 121207.ESCR on mining on Sibuyan Island, Romblon Province.

³² Joint Department of Environmental and Natural Resources (DENR)-NCIP Memorandum Circular (MC) No. 2007-01 re: "Management of Overlapping Protected Areas and/or their Buffer Zones and Ancestral Domains/Lands".

Inc., an Australian mining company. OceanaGold holds a Financial and Technical Assistance Agreement (FTAA) in respect of 23 barangays, including Bgy. Didipio. In addition to OceanaGold's mining operations, a number of illegitimate small-scale mining operations have been established to compete with OceanaGold. OceanaGold argues that the FTAA authorises it to remove these small-scale operations. Since 2006, local communities, many of whom are IPs, have opposed mining operations in the area and since 2007, there have been reports of harassment and human rights violations in connection with the mining operations. According to NGOs, local IPs have been the subject of false charges and have also been subjected to threats and violence, as well as systematic forced evictions by OceanaGold security personnel. In 2009 alone, reportedly over one hundred indigenous families in Bgy. Didipio were displaced. It is alleged that the PNP have supported OceanaGold's personnel in the forced evictions and demolitions and that, on 1 October 2009, approximately 100 members of the PNP forcefully dispersed residents who had formed a human barricade to prevent further demolitions, using teargas and beating residents with truncheons. Additionally, OceanaGold has allegedly installed fences and checkpoints in the area, restricting the free movement of residents. The CHRP is currently conducting an investigation into these issues to understand the root causes of the conflict and, in particular, into the alleged collaboration of the PNP with private security forces.³³

A further concern raised by NGOs was that financial institutions, both national and international, frequently support development projects that have a detrimental impact on local communities, which in many cases are IPs. In its meeting with the ADB, the mission raised this issue. The ADB outlined the safeguards that are in place to protect vulnerable groups, in particular its social protection policy, with which all infrastructural projects must comply. Under this policy, the concept note for the project must include a section on social protection, identifying the affected groups, the potential risks and how such risks can be mitigated. The officer in charge of the project must go through the criteria, following which the project team, including a social protection expert, visits the proposed site, discusses the project with the local communities and considers issues such as displacement. The project documents must be signed off by the social protection expert. If the social impact assessment finds that the project may have adverse effects, mitigation plans are developed to ensure that those affected are adequately compensated.³⁴

As regards the involvement of other international institutions, during the mission the UNDP provided information on their work with the Government on an Integrated Indigenous Peoples' programme which aims to promote and protect the rights of IPs to development as recognised under both international and national law (IPRA 1997). In particular, it aims to provide support to policies and programmes to address the issue of tenurial security of IPs, increase their capacity in self-governance and management of resources, and support indigenous peace-building mechanisms. The programme is managed by the NCIP.

³³ Commission on Human Rights of the Philippines, *CHR Chairperson on illegal demolitions in Bgy. Didipio, Kasibu, Nueva Vizcaya: "It's time to put an end to this."*, 16 October 2009 and Commission on Human Rights of the Philippines, *On the occasion of the Dialogue on OceanaGold Operations and the Human Rights Situation in Brgy. Didipio, Nueva Vizcaya, Opening Statement*, 5 November 2009.

³⁴ See also Asian Development Bank, *Our Framework: Policies and Strategies – Social Protection*, July 2003.

2.3 Recommendations relating to the violence generated by failures to respect economic, social and cultural rights

A: Counter-insurgency activities and militarisation

As referred to in section 2.2(B) above, IPs are frequently located in areas rich in natural resources. Conflict between their interests and commercial interests have often resulted in protests by indigenous communities, resulting in turn in social conflict and, in some parts of the country, in violent civil conflict. Conflict over ancestral domains and the fight for social justice are also at the root of the fight for self-determination and armed rebellion in the region of Mindanao. The Government's response has been to increase military operations to suppress conflict in the context of its counter-insurgency against the New People's Army (NPA) and to stabilise areas where mining, logging and other development projects are to be implemented.

OMCT was informed by NGOs that some progress had been made in some areas, the PNP and AFP being more proactive in their efforts to address human rights issues in armed conflict zones. For example, in the context of an initiative of CHRP and civil society to introduce multi-sectoral monitoring, the PNP and AFP responded positively to engagement with civil society. However, such engagement depended largely on the geographic area. In serious situations such as Mindanao, it is more difficult for civil society to establish a good working relationship with the security forces that remain highly suspicious of human rights defenders' activities. Further, the Philippine Government has vowed to put an end to insurgency by 2010, raising concerns that militarisation could increase.

In its action file of 3 December 2007, OMCT raised concerns regarding militarisation in Surigao del Sur, Mindanao. In this area, intensifying military operations have had significant adverse implications for the economic, social and cultural rights of the affected Lumad indigenous communities. These communities already number among some of the poorest and most vulnerable in the Philippines. The disruption military operations cause to their living standards, their ability to provide food and safe housing for their families and to their children's education only serves to exacerbate their vulnerability. Reportedly, in Surigao de Sur, civilians were used as shields, schools and other buildings appropriated as military barracks, children questioned by soldiers, community members denied access to their fields, families forced to seek shelter in makeshift evacuation centres and individuals forcibly enrolled as military guides.³⁵

During the mission, OMCT received updated information on the situation in Surigao del Sur. The CHRP reported that it had received information that IPs, mainly from the Manobo tribe, had fled their homes for fear of being caught in the crossfire of the conflict between the AFP and NPA rebels. Additionally, the CHRP had received reports that civilians had been forcibly recruited to join civilian auxiliary units by members of the military to engage in combat with rebels in the areas. IPs were also allegedly being labelled as NPA rebels or sympathisers. It was also reported that the military had set up blockades to prevent food reaching the communities. This was confirmed by NGOs from Mindanao who also indicated that Muslims (as well as IPs) are targeted by the military, frequently being accused of being terrorists or drug traffickers. The CHRP conducted an investigative mission to Surigao del Sur in August 2009, during which the Chair of the CHRP, Attorney Leila De Lima, personally accompanied

³⁵ OMCT action file PHL 031207.ESCR on military activity serious affecting the safety and well-being of rural communities in Surigao del Sur.

the communities back to their homes. The CHRP is in the process of formulating its conclusions on its mission.³⁶

Allegations were also received by OMCT that, in some areas of armed conflict, former rebels who had been encouraged to surrender were required to cooperate with military forces by providing information on rebel forces, including disclosure of their location. Surrender was not, therefore, unconditional and risked their lives.

A further serious and related issue is that indigenous children in these areas of armed conflict are at risk of being involved in the conflict by being recruited into armed groups. This issue was picked up by the CAT in its list of issues in which the CAT referred to reports of indigenous children being at risk due to their poor living conditions and social exclusion.³⁷ In its concluding observations the CAT made the following recommendation to the Philippine Government:

*The State party should take the necessary steps, in a comprehensive manner and to the extent possible, to prevent the abduction and military recruitment of children by armed groups that are distinct from the armed forces of the State. The State party should also take the necessary measures to facilitate the reintegration of former child soldiers into society.*³⁸

Additionally the Committee on the Rights of the Child noted that children continue to join armed groups, including government-linked paramilitary groups as well as non-State opposition armed groups, mainly due to “poverty, indoctrination, manipulation, neglect or absence of opportunities”. It recommended that the Government take measures to eliminate the root causes and prevent the recruitment and use of children by armed groups. In relation to indigenous children, it recommended that the Government enforce the provisions of IPRA to ensure that indigenous children are not recruited by armed forces or armed groups, including vigilantes groups. It also stressed the need for reintegration of former child soldiers.³⁹

OMCT was informed by reliable sources that minors continue to be recruited by non-State armed forces, in particular rebel groups, and that the military itself has re-recruited former child soldiers from armed groups for its own operations.

The mission requested a meeting with the AFP at which it had hoped to discuss these issues, but unfortunately was unable to meet with the AFP.

B: Extrajudicial killings, forced disappearances and harassment of human rights defenders

As reported in the alternative reports to the CESCR and the CAT, extrajudicial killings, forced disappearances and torture have continued in the Philippines despite some measures, most notably the establishment of the Melo Commission and Task Force Usig, having been taken by the Government. Those targeted are generally, in some way, seen as opponents or

³⁶ Commission on Human Rights of the Philippines, *CHR Chair to lead investigative mission in Surigao del Sur*, 27 August 2009.

³⁷ UN Doc. CAT/C/PHL/Q/2, para. 33.

³⁸ UN Doc. CAT/C/PHL/CO/2, para. 24.

³⁹ UN Doc. CRC/C/OPAC/PHL/CO/1, paras. 19-21.

critics of the Government and have included opposition politicians, journalists, lawyers and human rights defenders. Human rights defenders are also often frequently the victim of other forms violence and harassment in the Philippines carried out by both public and private sources. They are frequently targeted under the guise of counter-insurgency measures, their organisations having at one time or another been branded by the military and/or police as “enemies of the State” or as “fronts of the CPP/NPA” because of their human rights-related activities, but also because of their opposition to mining operations and other mega-projects which pose a significant threat to local communities.

The targeting of human rights defenders, including trade union activists, indigenous leaders and peasant activists, has been noted with concern by both the CESCRC and the CAT, the CAT noting that the harassment and violence against human rights defenders hampers the capacity of civil society monitoring groups to function effectively.⁴⁰ Both Committees expressed concern and made recommendations regarding forced disappearances and extrajudicial killings of human rights defenders, urging the Philippine Government to take steps to protect human rights defenders from intimidation or violence (whether perpetrated by state or non-state actors), to promptly and thoroughly investigate acts of intimidation, violence, forced disappearances and extrajudicial killings and to punish perpetrators appropriately.⁴¹

Human rights defenders have continued to be targeted in 2009. OMCT was, for example, informed that regional radio programmes and websites have been used by the military asserting that Karapatan and similar organisations are communist fronts.

Further, NGOs informed OMCT that, on 6 September 2009, the Reverend Father Cecilio Lucero, a Catholic priest and human rights defender was shot dead by unidentified armed men in Northern Samar Province. He had been the director of the human rights desk at the Social Action Centre of the Diocese of Catarman and had been documenting human rights abuses by both the military and armed opposition groups. He had also represented peasants in mediation with the local government and landowners in relation to their economic, social and cultural rights. His death was just one of a number of attacks in Northern Samar on human rights defenders and peasant activists. For example, Dr. Bartolome M. Resuello, a colleague of Fr. Lucero and convener of the farmers' organization, PESANTE - Northern Samar, was shot dead on 1 April 2009, allegedly by the military.

Given the Government's vow to put an end to insurgency by 2010 as well as the impending presidential, legislative and local elections, there are fears that attacks against those perceived as opposing the government could increase. Indeed, shortly after the mission on 23 November 2009, 57 people were abducted and executed by approximately 100 gunmen when on their way to file election papers for an opposition candidate in Amputuan, Maguindanao, Mindanao. These included members of the politician's family and supporters, journalists, human rights lawyers and motorists who were mistakenly identified as part of the convoy. The chief suspect, Andal Amputuan Jr, son of the Governor of Maguindanao Province and a key ally of President Arroyo, surrendered to the authorities on 26 November, and a number of further arrests were made. Most of those arrested were members of the civilian armed forces geographic units (CAFGUs) (under the control of the AFP), thus calling into question the role of the paramilitary in this massacre. Others allegedly involved were members of Civilian Volunteer Organisations (CVOs), many of which were controlled by the Amputuan family. Following the massacre, a state of emergency was initially declared in Maguindanao,

⁴⁰ UN Doc. CAT/C/PHL/CO/2, para. 11.

⁴¹ UN Doc. E/C.12/PHL/CO/4, para. 15 and CAT/C/PHL/CO/2, para. 11.

following which martial law was imposed on 5 December 2009. Whilst martial law was lifted on 12 December, areas of Maguindanao remain under a state of emergency. In response to this massacre, the Government has established a presidential commission to dismantle private armies although the extent to which this will cover all paramilitary groups is not clear.

As referred to in section 1.3 above, a priority for the European Commission's activities in the Philippines is the problem of extrajudicial killings, the harassment of human rights defenders and human rights violations committed by both the NPA and the military. Following a request by President Arroyo for EU assistance in relation to extrajudicial killings, the EU carried out a needs assessment mission in 2007 which led to the signing of the Financing Agreement for the EU-Philippine Justice Support Programme (EPJUST) on 8 October 2009.⁴² The EPJUST programme will provide support, advice, technical assistance and training, aiming to strengthen the criminal justice system, provide support for the CHRP and for civil society groups, and raise awareness of human rights within the police and military. Additionally, the programme will provide support for the establishment of a national monitoring system, bringing together the Government and civil society, to address the issue of extrajudicial killings. It is hoped that activities will start before the end of 2009 and will be completed by March 2011.

In relation to harassment and violence against Trade Unions, OMCT was informed by CTUHR that its workers at the CTUHR Cebu Workers Center in Lapu-lapu city, Mactan had been subjected to surveillance in October 2009. The Center has been providing human rights training since April 2009 and has been supporting the activities of Unity for Workers Rights, a workers' organisation established in the Mactan Export Processing Zone, as well as assisting victims of demolitions surrounding the zone. It is believed that this surveillance is intended to intimidate the workers into ceasing to carry out their human rights work.

OMCT was also informed by CTUHR during the mission that 18 workers who had gone on strike to protest against illegal dismissal, non-payment of holiday and other labour law violations and who had been arrested in May 2007, continued to be detained on the basis of fabricated charges. Two of their co-workers who had also been arrested died in custody. OMCT has since learned that, after considerable pressure from the local and international community and under new legal representation, 14 of the 18 workers were temporarily released from prison on bail in December 2009. The remaining four continue to be detained.

The ILO had taken note of this case during a High Level Mission in September 2009 to investigate killings, abduction and forced disappearances and continuing violence against trade unionists and labour activities. The ILO mission proposed a number of activities to the Philippine Government in the context of a comprehensive technical cooperation programme intended to improve understanding and respect for the fundamental principles and rights of freedom of association and collective bargaining. These included: *“coordinated training of the PNP and AFP on freedom of association and its linkages to civil liberties; freedom of association and collective bargaining training focused on implementation within special economic zones; training of judges and lawyers on international labour standards and their use in the judiciary; continuing education for Department of Labor and Employment (DOLE), Civil Service Commission (CSC) and the Public Sector Labor Management Council (PSMLC)*

⁴² Information from meeting with Ambassador Alistair MacDonald and European Commission Press Release, *EU and Philippines will work together to address issue of Extra-Legal Killings*, 8 October 2009. http://www.delphi.ec.europa.eu/docs/EU%20and%20Philippines%20will%20work%20together%20to%20address%20issue%20of%20Extra-Legal%20Killings_PR.pdf

*on international labour standards; and the promotion of social dialogue at all levels with special outreach to the tripartite peace councils.”*⁴³ The ILO mission also reported that it had received contradictory statements regarding violence against trade unions and the adequacy of the Government’s efforts to ensure the exercise of trade union rights in a fear-free environment. It proposed the creation of a high-level tripartite inter-agency monitoring body to address these allegations. Additionally, it called on the Government to issue a statement “instructing all government actors to make special efforts to ensure that their actions do not infringe upon the basic civil liberties of trade unionists”.

C: Combating impunity and torture

As noted in the alternative reports, the summary executions, disappearances and torture that take place in the Philippines continue because of impunity; there have been no proper investigations into extrajudicial killings and only one prosecution and conviction. In its concluding observations, the CAT recommended:

*The State party should take effective steps to investigate promptly, effectively and impartially all allegations of involvement of members of law enforcement agencies in extrajudicial killings and enforced disappearances. The State party should inform the Committee in its next periodic report of efforts and measures undertaken to address extrajudicial killings and other human rights abuses, including those by non-State actors. In this respect, the State party should implement the recommendations contained in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3/Add.2), following his visit to the Philippines in February 2007.*⁴⁴

Although OMCT was unable to speak to the AFP or the PNP on these issues, the AFP had informed the CHRP that it has an existing mechanism to address human rights violations, including extrajudicial killings and enforced disappearances. It has also established a Human Rights Office (AFPHRO) to deal with violations and the administration of justice. The AFP asserted that it does not tolerate extrajudicial killings or enforced disappearances perpetrated by its personnel and that those who are caught are punished both criminally and administratively.

The CHRP suggested that, given the number of extrajudicial killings from 2001-2007, investigations needed to go beyond the individual cases and that one way of doing this might be through a Truth Commission.

However, a key obligation on States to combat impunity for torture and other forms of violence is to take appropriate legislative measures to prevent such acts. In its concluding observations the CAT noted that, whilst the Government had stated that under the Revised Penal Code all acts of torture were criminal offences, the crime of torture as defined in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had not been incorporated into national law. In this regard, it expressed concern at the delay in enacting the Anti-Torture Bill and urged the Philippine Government to enact

⁴³ ILO, Press Statement of the Philippines High-Level Mission on Freedom of Association and the Protection of the Right to Organize Convention, 1 October 2009. http://www.ilo.org/asia/info/public/pr/lang--en/WCMS_114275/index.htm

⁴⁴ UN Doc. CAT/C/PHL/CO/2, para. 8.

the Anti-Torture Bill as soon as possible.⁴⁵

During the mission, the signing by the President of the Anti-Torture Bill was the most pressing issue raised by NGOs as well as the representative of the Senate Committee on Human Rights and the CHRP. The view was expressed that criminalisation of torture would increase protection of, *inter alia*, human rights defenders. The Anti-Torture Bill had been submitted to the President's office on 14 October 2009. Following the mission, on 10 November 2009, President Arroyo signed the Bill. This is clearly a positive step particularly in light of the reported pressure on the President from the military not to sign.

The CAT also encouraged the Philippine Government to consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) as soon as possible.⁴⁶

In this regard, OMCT was informed that OPCAT had been referred to the Senate where it was submitted to a public hearing by the Senate Committee on External Relations in August 2009 but had not yet been ratified. In any event, it was reported that, even if the OPCAT is ratified, the Government has indicated that it would defer implementation for between three and five years. In its report on "Human Rights in the Philippines"⁴⁷ the PHRC clarified that the deferment would be in respect of the Subcommittee on the Prevention of Torture and not the National Preventive Mechanism (NPM). The PHRC sought to justify the deferment on the basis that the Philippines must implement a number of jail and penology reforms before it would be able to abide by its obligations and that it needed time to make these changes.

This issue was considered to be serious by NGOs given the current lack of mechanism to monitor and record allegations of torture. Additionally, a further concern raised by NGOs, and which could be addressed by the establishment of NPMs and visits to detention facilities by the Subcommittee on Human Rights was the violation of the right to health. OMCT received reports that political detainees with cancer were not treated in hospital until three months after treatment had been requested.

In its concluding observations, the CAT also invited the Philippine Government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.⁴⁸ In relation to disappearances, the Senate Committee on Justice and Human Rights informed OMCT that an Involuntary Disappearances Bill had been passed by the House of Representatives and was currently before the Senate for its second reading. This was considered by the representative of the Senate Committee on Justice and Human Rights as one of the key priorities during the next congressional session.

An additional issue raised with OMCT concerned the implementation of human rights legislation, in particular, the ability of the courts to deal with human rights issues, including cases brought under the Anti-Torture Act. It was suggested that special chambers be established to hear such cases and that the judiciary receive relevant training. In this regard, in response to a letter from the CHRP regarding implementation of CESCRC recommendations, the Philippine Judicial Academy of the Supreme Court stated that it conducts regular

⁴⁵ UN Doc. CAT/C/PHL/CO/2, para. 10.

⁴⁶ UN Doc. CAT/C/PHL/CO/2, para.28.

⁴⁷ Office of the President of the Philippines, *Human Rights in the Philippines: 2008 PHRC Accomplishments*, March 2009.

⁴⁸ UN Doc. CAT/C/PHL/CO/2, para. 30.

programmes to update judges with developments in different areas of law, as well as focused programmes on subjects including human rights, extrajudicial killings and enforced disappearances, IPs' rights and access to justice for the poor.

2.4 Recommendations relating to the effectiveness and independence of the Commission on Human Rights of the Philippines (CHRP)

The effectiveness and independence of the CHRP has been raised both by the CESCR and CAT, given that the CHRP's mandate does not cover the protection and promotion of economic, social and cultural rights and that the CHRP has, on a number of occasions, been denied access to detention facilities under the jurisdiction of the military. These issues were raised by the CHRP directly with OMCT during the above-mentioned fact-finding mission in March 2009. Additionally, the CHRP has insufficient resources for the implementation of its investigative and monitoring functions.

The CESCR's recommendation to the Philippine Government was for it to increase its efforts to strengthen the CHRP's effectiveness by including the protection and promotion of economic, social and cultural rights in its mandate.⁴⁹ The CAT also recommended the strengthening of the CHRP's mandate to include unhampered and unrestrained access to all detention facilities including those under the jurisdiction of the military.⁵⁰ Both Committees called on the Government to move towards the adoption of the CHRP Charter and to ensure the allocation of adequate resources for effective implementation.

Pursuant to the Charter, CHRP's funding would be increased, the CHRP's mandate would be extended to economic, social and cultural rights violations, and the CHRP would have the power to issue preventive legal orders and also have standby prosecutorial powers, which would be operational where the Department of Justice failed to act within a particular time period.

During the mission, the CHRP clarified that it had always had the right to visit detention facilities but that, in practice, it had sometimes been denied access by the military to certain camps. It indicated, however, that access to detention centres had improved since the Committees had issued their concluding observations. In this regard, a Memorandum of Understanding had been signed with the PNP in which the PNP confirmed its respect for the CHRP's visitorial powers, and all PNP wardens had been instructed to allow unrestricted access to detention facilities and to permit private interviews with detainees. However, one remaining issue raised by the CHRP was that the PNP does not keep a record of detainees, which may lead to the PNP stating that a person is not being detained at a camp when, in fact, s/he is. As regards detention facilities under the jurisdiction of the AFP, the CHRP reported that there had been no recent cases of denied access but that a Memorandum of Understanding was yet to be signed.

In relation to the CHRP Charter, the CHRP stressed the importance that it be adopted by the Government. It was stressed, however, that for the additional powers provided for in the Charter to be useful, sufficient resources would be required.

The staff from the Senate Committee on Justice and Human Rights confirmed that the CHRP

⁴⁹ UN Doc. E/C.12/PHL/CO/4, para. 13.

⁵⁰ UN Doc. CAT/C/PHL/CO/2, para. 16.

Charter was a priority for the Committee during the next congressional session. There was concern, however, that given the prosecutorial powers included in the Charter, there could be opposition on the basis that the Charter encroaches upon the Department of Justice's powers. A further concern was whether the CHRP would be able to exercise its prosecutorial powers due to lack of resources.

As outlined in section 2.3(B) above, support for the CHRP is also envisaged under the EU's EPJUST programme. The details of such support have not yet been defined, but it is anticipated that support will be directed at strengthening the CHRP's investigative, prosecutorial and witness protection capabilities.⁵¹

The work by the CHRP was lauded by the EU and the UNDP, the UNDP commenting that the CHRP was an active and dynamic counterpart. OMCT thus considers it crucial that measures are taken to further strengthen the CHRP, including the passing of its Charter.

3. Conclusions of this report

The follow-up mission was carried out eleven months after the CESCRC had issued its concluding observations and only five months after CAT had issued its concluding observations. This must be borne in mind when considering the progress that has been made to date.

Broadly, the main aims of the mission were to follow up on whether and how certain recommendations of the Committees were being implemented, thus drawing attention to the concluding observations and also highlighting the importance of a holistic approach. Additionally, the mission hoped to encourage stakeholders, including the Government, civil society and international institutions to take action on the root causes of torture.

As can be seen in this report, governmental bodies assert, in relation to some of the recommendations, that they are making considerable progress, yet reports from NGOs and, in some cases the CHRP, suggest there remains much work to be done.

At the very initial stage of coordination and dissemination of the concluding observations, the Government appears to face challenges, in that, whilst it has established a framework for coordination and dissemination, there appear to be shortcomings where cross-cutting issues are concerned. Further, it is not clear to what extent those who are most often accused of committing violations are aware of their human rights obligations. There also appears to be considerable scope for improvement as regards the involvement of civil society in the whole process.

In the Philippines, despite economic growth, there remains an inequitable distribution of wealth which in turn leads to vulnerability and to violence. Unemployment, underemployment and low wages continue to be serious issues, rapid urbanisation has exacerbated the housing situation in towns, and forced evictions reportedly continue to take place in contravention of the law both in rural and urban areas. Additionally, spending on social services continues to suffer budgetary constraints. Some positive results have, however, been seen in relation to access to justice for the poor, where the EU and UNDP have worked closely with the Government.

⁵¹ Information from meeting with Ambassador Alistair MacDonald, Head of the Delegation of the European Commission.

Conflict over development projects, in particular, mining, continue to dominate Philippine society, most notably in relation to IPs where, despite some positive steps taken by the Government to increase compliance with the consultation and consent obligations under IPRA, mining operations reportedly continue to be carried out without respect for human rights.

As regards counter-insurgency activities and militarisation, NGOs noted that in some areas, the PNP and AFP seemed more open to engagement with civil society. This was not the case, however, in serious conflict zones where human rights defenders continued to be viewed suspiciously and local communities were also accused of being or supporting rebels. Indeed, the general feeling among NGOs is that the Government is employing both soft and hard tactics: soft in its apparent openness to dialogue with civil society; and hard, in that the military continues to commit human rights violations. Further, there were some reports that children continued to be used in operations.

In relation to the serious problem of extrajudicial killings and forced disappearances, the EU has begun to work closely with the Government to address these issues. However, human rights defenders and others perceived as opposing the Government continue to be the target of attacks and harassment, and it is feared that attacks could increase given the Government's vow to end insurgency by 2010 and in the run-up to the elections.

The key positive development since the Committees issued their concluding observations is the enactment of the Anti-Torture Act. It is hoped that the criminalisation of torture will increase the protection of human rights defenders and that it will be an important step in ending impunity in the Philippines. However, for this to be achieved, it must be implemented in practice. In this respect, the general perception is that, although on paper it may appear that progress is being made, in practice, there are likely to be constraints. These include lack of resources and the mindset of some officials in the various different governmental agencies.

It became evident during the mission that the CHRP is a dynamic and important actor in combating torture and other forms of violence. However, it is hampered both by insufficient resources and a restrictive mandate. For it to fully achieve its potential, it is essential that the CHRP Charter be adopted by the Government.

In terms of the broader aims of the mission, OMCT was unfortunately unable to meet with as many governmental agencies as it would have liked. Nonetheless, that the mission was able to meet with NEDA, the lead agency for the ICESCR, can be considered a crucial step in its aim of strengthening and encouraging this governmental agency to take action. Additionally, through its close collaboration with and support for the CHRP, it is hoped that the CHRP will continue its vital work and that, through its meetings with representatives from NEDA and the Senate Committee on Justice and Human Rights, OMCT has assisted in facilitating this.

By involving international institutions in the follow-up mission, OMCT became increasingly aware of the key role that these stakeholders can play in supporting and encouraging the Government to implement the Committees' recommendations, and at the broader level, of engaging with the Government as well as civil society to tackle the root causes of torture. It is hoped that, by involving these organisations in the mission, not only will they continue to keep in mind, to the extent that it is relevant to their work, the economic, social and cultural root causes of violence, but that other stakeholders, and the Committees themselves, will

recognise the potential of engaging with these institutions.

4. Recommendations of this report

Implementation of recommendations

- Enhance the level of interaction amongst the designated lead agencies through the PHRC to ensure comprehensive implementation of the recommendations of both the CDESCR and the CAT;
- Further develop and strengthen dissemination to ensure that all officials, including law enforcement officials, are fully aware of the provisions of the Convention against Torture and the ICESCR and the recommendations made by their respective treaty body;
- Engage in greater and more constructive consultation with civil society by:
 - reinstating those NGOs whose membership has been revoked as members of the PHRC's network of partner NGOs;
 - involving members from non-governmental human rights organisations across the whole political spectrum;
 - conducting consultations over two full days: the first day consisting of common orientation and separate sessions for governmental organisations and for civil society/non-governmental human rights organisations; the second day being a planning session in plenary. Such consultations should take place at both the national and provincial level;
 - allocating sufficient budget to the consultations;
 - institutionalising the participation of civil society/non-governmental human rights organisations at all levels through regular, structured meetings and designated venues; and
- Establish a mechanism to monitor compliance with international human rights obligations, such mechanism to be composed of representatives from the Government, the CHRP and civil society human rights organisations.

Poverty and Economic Policy

- Enact House Bill 1722 Providing for a P125.00 daily across-the-board increase in the salary rates of employees and workers in the private sector;
- Implement a national minimum wage, applicable to all industries in all regions;
- Conduct a comprehensive review of budget allocation with the aim of increasing spending on social services;
- Issue a moratorium on debt servicing so as to direct funds towards humanitarian actions;
- Pass an Executive Order imposing a moratorium on demolitions and forced evictions carried out without full compliance with the law;
- Ensure effective implementation of the 1992 Urban Development and Housing Act;
- Ensure that any evictions are carried out with full respect for human rights and in accordance with international standards; and
- Develop training programmes for the law enforcement officials and members of the judiciary and prosecutors on the right to housing and on guidelines on forced evictions.

Development projects and exploitation of natural resources

- Establish an independent commission to carry out a human-rights impact assessment of development projects;
- Investigate allegations of human rights violations, in particular in Bgy Didipio, and take action against any person or company found to have committed such violations, including:
 - Criminal prosecutions, where applicable
 - Revocation of mining licences;
- Issue a moratorium on large-scale mining operations until a human-rights impact assessment has been carried out;
- Carry out a comprehensive review of the 1995 Mining Code and the conflict with the 1997 Indigenous Peoples' Rights Act.
- Ratify the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries; and
- Investigate the alleged collaboration of the PNP with the security forces of OceanaGold in Barangay Didipio, Neuva Vizcaya.

Counter-insurgency activities and militarisation

- Investigate the alleged on-going violations by the military in Surigao del Sur;
- Ensure, through training and independent monitoring, that military operations do not restrict the economic and social activities of those living in affected areas and that military personnel respect their human rights;
- Take measures to prevent the recruitment and re-recruitment of children into armed forces, both State and non-State, and to facilitate the reintegration of former child soldiers into society;
- Ensure that surrender by rebels is unconditional and that former rebels are not required to cooperate with military forces.

Extrajudicial killings, forced disappearances and harassment of human rights defenders

- Recognise officially the legitimacy of actions by civil society organisations to protect human rights and include this in the human rights training of police, military and public officials; and
- Investigate all allegations of violence and harassment against human rights defenders, including trade union activists; and
- Implement the recommendations of the ILO High Level Mission.

Combating impunity and torture

- Establish a Truth Commission to investigate all cases of extrajudicial killings and forced disappearances;
- Ratify without delay the Optional Protocol to the Convention against Torture;
- Enact the Involuntary Disappearances Bill and ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay; and
- Further develop and strengthen educational programmes on human rights, in particular on the provisions of the Anti-Torture Act and the Convention Against Torture, to

ensure the judiciary have the knowledge and proficiency to hear human rights cases.

Effectiveness and independence of the CHRP

- Adopt the CHRP Charter
- Ensure adequate resources are allocated to the CHRP to enable it to fulfil its mandate.

ANNEX
LIST OF MEETINGS

International Agencies

EU:

- Ambassador Alistair MacDonald, Head of the Delegation of the European Commission to the Philippines
- Ms. Nayia-Panagiota Barmaliou, Political & Human Rights Officer, Delegation of the European Commission to the Philippines

UNDP:

- Dr. Jacqui Badcock, UN Resident Coordinator and UNDP Resident Representative
- Mr. Renaud Meyer, UNDP Country Director
- Ms. Eden Grace R. Lumilan, Coordination Analyst, UN Coordination Office

Asian Development Bank:

- Mr. Joel V. Mangahas, Country Specialist, Philippines Country Office

Governmental Agencies/Bodies

National Economic & Development Authority (NEDA):

- Atty. Dinah Jean S. Cornejo, Legal Department
- Mr. Gerald G. Bitonio, Legal Department

Senate Committee on Justice and Human Rights:

- Ms. Jane Arzadon, Committee Secretary

National Human Rights Institutions

Commission on Human Rights of the Philippines (CHRP):

- Atty. Leila M. De Lima, Chairperson
- Dir. Karen Gomez Dumpit, Government Linkages office
- Dr. Renante Basas, Assistance and Visitorial Office

Civil Society Organisations

Marie Hilao-Enriquez, Chairperson, Karapatan (Alliance for the Advancement of People's Rights)

Hazel Acierto, Karapatan Public Information Officer

Renato Reyes, Bagong Alyansang Makabayan (BAYAN or New Patriotic Alliance)

Clemente Bautista, Center for Environmental Concerns (CEC)
Daisy Arago, Center for Trade Union and Human Rights (CTUHR)
Sr. Cecil Ruiz, Karapatan - Central Luzon
Joan Jaime, Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP or National Alliance of Indigenous Peoples' Organizations in the Philippines)
Leny Robiños, Amihan National Federation of Peasant Women in the Philippines
Rodolfo Torres, SMBC, Inc. Samahan ng mga Mandaragat ng Bacoor, Cavite, Inc.
Association of Fisherfolk of Bacoor, Cavite, Inc.)
Donato Continente, SMBC, Inc

Max de Mesa, Chairperson, Philippines Alliance of Human Rights Advocates (PAHRA)
Sr. Cresencia L. Lucero, SFIC, Deputy Executive Director, Task Force Detainees of the Philippines
Dr. Nymia P. Simbulan, PhD, Executive Director, Philippine Human Rights Information Center (PhilRights)
Dr. Amy Ng Abcede, DMD, Medical Action Group
Mr. Ernesto (Caloy) Anasarias, Executive Director, BALAY Rehabilitation Center
Mr. Ellecer Ebro Carlos, KALASAG
Mr. Rasti Delizo, Sanlakas
Ben Solilapsi, Negros Alliance of Human Rights Advocates (NAHRA)
Aurora Broquil, Kilusan para sa Pambansang Demokrasya (KPD)
Fr. Jose Bagadiong, Kilusan para sa Pambansang Demokrasya (KPD)
A representative of the Moro Human Rights Center (MHRC)
A representative of ASSALAM